

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

BRIAN L. KINTER,

Plaintiff,

-vs-

JENISE L. BOLTZ, *et al.*,

Defendants.

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Case No. 3:12-cv-85

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District Judge Thomas M. Rose  
Magistrate Judge Michael J. Newman

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ORDER STRIKING DOCUMENT 23

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Defendant Jenise L. Boltz was served with Plaintiff's Amended Complaint in this case on April 7, 2012, and timely filed her Answer on April 13, 2012. *See* docs. 13, 14. On May 9, 2012, Defendant Boltz, through counsel, filed a document titled "Counterclaim of Defendant Jenise Bolt." Doc. 23.

Defendant Boltz has not properly brought her counterclaims. Counterclaims must be asserted in a pleading, *i.e.*, an Answer. *See* Fed. R. Civ. P. 13; *Bigelow v. RKO Radio Pictures, Inc.*, 16 F.R.D. 15, 18 (1954); *see e.g., MedChoice Fin., LLC v. ADS Alliance Data Systems, Inc.*, \_\_ F. Supp.2d \_\_, No. 2:11-cv-212, 2012 WL 748622, at \*1 (S.D. Ohio Mar. 8, 2012).

Additionally, because twenty one days have passed since Defendant Boltz served her Answer, she must seek leave of Court in order to amend her Answer to add counterclaims. *See* Fed. R. Civ. P. 15(a)(2).

Therefore, the Clerk is **ORDERED** to strike from the record Document 23.

**IT IS SO ORDERED.**

May 22, 2012

s/ **Michael J. Newman**  
United States Magistrate Judge